IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 01.03.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

Writ Appeal No.1619 of 2002
and
W.A.M.P. No.2813 of 2002

1. Tamilnadu Civil Supplies
Corporation Ltd.,
rep. by the Chairman-cum-Mg. Director,
42, Thambusamy Road, Kilpauk,
Chennai 600 010.

2. The Senior Regional Manager,
Tamilnadu Civil Supplies corporation Ltd.,
Madras Region, No.7, Conransmith
Road, Gopalapuram, Chennai-86. ... Appellants

vs.

1. M.Khader Mohideen

2. T.S.Mahadevan

3. Padmini Amba Shankar

4. C.S. Nagarajan

5. C.S.Vasanthalakshmanan (minor)

6. C.S.A.Ganesh (Minor)
(Minors rep. by natural guardian
Padmini Amba Shankar) ... Respondents

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Appeal filed under clause 15 of letters patent Act against the order of the learned single Judge of this Court dated 30.06.2000, made in W.P. No.14838 of 1992. Presented under Article 226 of constitution of India, praying this court to issue a writ of mandamus, directing the respondent corporation not to impose any recovery from the pay or other dues payable to the petitioners, in violation of Regulation No.4 contained in chapter V of the Tamil Nadu civil Supplies corporation Limited employees service regulations.

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For Appellants : Mr.M.Suresh Kumar

For Respondents: No appearance.

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above Writ Appeal is directed against the order of the learned single Judge, dated 30.06.2000, passed in W.P. No.14838 of 1992, in and by which, the learned Judge, accepting the case of the petitioners, allowed their writ petition.

2. Heard learned counsel for the appellants.

3. Learned counsel placed before us the proceeding of the Senior Regional Manager, Tamil Nadu Civil Supplies Corporation, dated 21.06.1988. A perusal of the said proceeding shows that, though an opportunity was afforded to the writ petitioners, the authority, without calling for any explanation from them, determined the quantity of shortage, value etc. The proceeding further shows that the amount payable by each person is Rs.624.98. Prima facie, we are of the view that, even before calling for objections/explanation, the officer arbitrarily concluded that the shortage was caused at the instance of the writ petitioners and also worked out the actual loss. Though all the above mentioned relevant aspects have not been adverted to in the impugned order, the learned single Judge is right in concluding that, in the absence of proper enquiry, recovery cannot be effected. We agree with the said conclusion. It is brought to our notice that the fourth respondent viz., C.S.Nagarajan, is no more and that other respondents were not duly served with notice in the Writ Appeal.

Taking note of the above aspect and in view of our conclusion on the merits of the case, we do not find any valid ground for interference. Writ Appeal fails and the same is dismissed. No costs. Connected Miscellaneous Petition is closed.

JI.

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To,

1. The Chairman-cum-Managing Director,
   Tamil Nadu Civil Supplies Corporation Ltd.
   42, Thambusamy Road, Kil pauk, Chennai-10.

2. The Senior Regional Manager,
   Tamil Nadu Civil Supplies Corporation Ltd.
   Madras Region No.7, Conransmith Road,
   Gopalapuram, Chennai-86.

+1 cc to Mr.M.Suresh Kumar, Advocate Sr.No.12795.

KSJ(CO)
dcp/13.3.07

Writ Appeal No.1619/2002.

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